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COMPANY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL JOHNSON, an Individual;

Plaintiff,

CASE NO: 2:24-cv-01418-APG-EJY

vs.

**STIPULATION AND ORDER TO
EXTEND DISCOVERY
[FIRST REQUEST]**

UNITED FINANCIAL CASUALTY
COMPANY, a subsidiary of PROGRESSIVE
COMMERCIAL HOLDINGS, INC., a
PROGRESSIVE CASUALTY INSURANCE
COMPANY; DOES I through X, inclusive; and
ROE CORPORATIONS I through X, inclusive,

Defendants.

Pursuant to the Court's Local Rule 26-3 and LR 26-3, Plaintiff MICHAEL JOHNSON by and through his counsel of record, RYAN ALEXANDER, ESQ. and RICHARD A. ENGLEMAN, ESQ., of RYAN ALEXANDER, CHTD, and Defendant, UNITED FINANCIAL CASUALTY COMPANY, a Subsidiary of Progressive Commercial Holdings, Inc., a Progressive Casualty Insurance Company (hereinafter "PROGRESSIVE"), by and through its counsel MATTHEW J. WAGNER, ESQ., of the law firm of DENNETT WINSPEAR, LLP, respectfully move this honorable Court for an order extending discovery, and submit this stipulation in accordance with LR 6-1 and LR 26-4. The parties have conferred and agree that an extension of discovery is both necessary and warranted for a period of ninety (90) days.

I. BACKGROUND

On or about April 25, 2018, Plaintiff Johnson was involved in a motor vehicle accident in Las Vegas, Nevada with non-party Rebecca Canton. As a result of the subject incident, Plaintiff alleges

1 that he sustained significant bodily injuries to his head, neck, back, left shoulder, and chest. Plaintiff
2 Johnson alleges \$98,244.96 in past medical bills, as well as millions in damages for future care
3 and damages. Sometime around April 2021, Plaintiff Johnson settled his claim against non-party
4 Canton for her \$50,000.00 policy limit on behalf of the at-fault driver. At the time of the subject
5 accident, Plaintiff Johnson had access to UM/UIM benefits vis-à-vis an insurance policy issued by
6 Progressive to Plaintiff Johnson's employer, which provided combined single limit coverage in the
7 amount of \$1,000,000.00.

8 **II. INFORMATION REQUIRED BY LOCAL RULE 26-4**

9 The parties provide the following information in accordance with local Rule 26-4.

10 **A. Discovery Completed**

11 On November 15, 2024, Plaintiff served his initial disclosures.

12 On October 30, 2024, Defendant served their initial disclosures and a proposed Stipulation
13 and Order for Confidentiality Agreement.

14 On February 4, 2025, Defendant served a first supplement to their disclosure of documents
15 and witnesses.

16 Defendant has retained a medical expert who can perform a medical examination of
17 Plaintiff Johnson pursuant to FRCP 35. Counsel for the respective parties are working
18 cooperatively to schedule a date for that examination. The parties also are working out a stipulation
19 to proceed with the examination.

20 Defendant has also been actively working to obtain copies of Plaintiff's medical records to
21 provide to an expert for evaluation and to complete the FRCP 35 examination of Plaintiff.

22 **B. Discovery that Remains to Be Completed**

23 The parties have conferred and agree that an additional extension of time in which to
24 complete all remaining discovery is warranted, and that good cause exists for the extension, as
25 detailed herein.

26 Defendant will take the deposition of Plaintiff Johnson.

Plaintiff Johnson will take the deposition of the appropriate representative(s) of Defendant Progressive.

Defendant has identified a medical expert, Lauren Frey, M.D., who specializes in neurology. The parties are working cooperatively to schedule the examination of Plaintiff Johnson with Dr. Frey.

The parties' respective experts will produce their reports and findings.

The parties will depose designated expert witnesses.

The parties would also like time to explore opportunities for alternative dispute resolution, including private mediation.

C. Reasons Why the Deadlines Were Not Satisfied

Despite party efforts, additional time is required in order to schedule a Rule 35 examination of Plaintiff, which could not be completed prior to the expert deadline due to a lack of complete medical records and scheduling conflicts with potential examiners.

Further time is necessary in order for the parties to schedule a Rule 35 examination, complete party depositions, and serve written discovery. Counsel is working together to complete necessary remaining discovery, but require additional time in which to do so.

D. Proposed Schedule for Remaining Deadlines

After conferring as to the needs of the case, the parties propose the following schedule for discovery and the remaining case management deadlines to include an additional ninety (90) days:

	CURRENT DATE	PROPOSED DATE
Close of Discovery	May 1, 2025	July 30, 2025
Amend Pleadings/add parties	January 31, 2024	CLOSED
Expert Disclosures	March 3, 2025	June 2, 2025 ¹

¹ Deadline falls on Sunday, June 2, 2025 and is therefore relegated to Monday, June 3, 2025.

Rebuttal Experts	April 2, 2025	July 1, 2025
Dispositive Motions	June 2, 2025	September 1, 2025 ²
Pre-Trial Order	July 2, 2025	September 30, 2025

The parties state their proposed discovery extension request is made in good faith and not sought for delay or any improper purpose, and that the additional time is needed to allow the parties to complete discovery and adequately prepare the case for trial or other resolution.

DATED this 14th day of February, 2025.

DATED this 14th day of February, 2025.

RYAN ALEXANDER, CHTD

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PROGRESSIVE MUTUAL AUTOMOBILE
INSURANCE COMPANY

ORDER

Good cause appearing therefore, IT IS SO ORDERED.

DATED this 18th day of February, 2025.


 UNITED STATES MAGISTRATE JUDGE

² Deadline falls on Sunday, August 31, 2025 and is therefore relegated to Monday, September 1, 2025.